



MEMORANDUM

September 5, 2012

TO: Planning Commission

FROM: Andrew Gunning, Assistant Director, Community Planning and Development Services

VIA: R. James Wasilak, AICP, Chief of Planning

SUBJECT: Planning Commission Recommendations to the Mayor and Council on the Adequate Public Facilities Provisions for Public Schools

The Planning Commission appointed a citizen's committee to review the City's Adequate Public Facilities Ordinance (APFO) and companion Adequate Public Facilities Standards (APFS) in January, 2011. The committee completed its work and submitted its report to the Planning Commission in November of that year. The Commission formally transmitted the report to the Mayor and Council for information in March, 2012.

Planning Commission has undertaken consideration of the APFO and APFS in light of the committee's recommendations with a view to providing some guidance to the Mayor and Council at such time as they take up a formal review. The Commission decided to begin with the APFS test for school capacity, which was the topic that drew the most interest and comment from the committee. In this context, the Commission would like to provide the following comments and recommendations to the Mayor and Council:

- The City should continue to have its own APFO to address the unique circumstances of development within the City. This should include a test for school capacity. The budgetary process for the County's school system is essentially a political one. As such, the City needs to continue and increase its advocacy for the schools serving the City. The Commission does not recommend abandoning our APFS school test and deferring to the County. However, the City should consider whether or not there might be some exceptions to the rigid test so as to not stall or even lose projects that might be important to the City. As a for-instance, the continued redevelopment of the Town Center as a vibrant mixed-use area cannot move forward due to the current overcrowding of Beall Elementary School.

The City may wish to consider revising the current capacity limit of 110% to the County's limit of 105%, beyond which some mitigation measures are required. The County limit for a moratorium is 120%. In that vein, the City could take the test down to 105%, allow some degree of mitigation above that point, and allow some exceptions for high-value projects up to the 120% limit.

- The Commission does not recommend changing the school test from two years to five years. However, as noted above, the City may wish to consider some exceptions for certain projects important to the City.
- In accounting for the impact of approved developments on the future capacity of the schools, the Committee recognizes that there may be some double-counting in how these projects are accounted in the MCPS forecasts. The City staff needs to work with the MCPS staff to insure that such double-counting does not occur.
- Certain uses that are currently listed in the APFS as being eligible for a waiver from the standards should instead be exempt where no school-age children will be generated.
- There may be some utility in considering doing the school test by the cluster, rather than by individual schools. The school system does have some programming flexibility to aid in redistributing students short of redistricting.
- The Commission supports the current practice whereby the final APFS test is determined at the time of project approval, rather than at the time of application.
- The Commission notes that a new elementary school is proposed in the Richard Montgomery Cluster on West Edmonston Drive, with a proposed opening in 2017. The MCPS does not propose to establish the new district boundaries for this school until 2016. That means that the APFS could not take account of this new school until just before it opens. In our opinion it would be better for the City residents and the development community to have MCPS establish the boundaries earlier so that the impact of this new school on the APFS requirements for the other schools can be analyzed.
- School Facility Payment – The Commission does not recommend pursuing the use of the school facility payment program. On advice of the City Attorney, the Commission notes that there is no clear nexus for collecting such funds for a governmental operation (the school system) that is not controlled by the City. This would be true even if the City opted to make the APFS school test consistent with the County program. We also note that the County has collected such funds from only one development project thus far, even though the program has been in place for several years.